

GAHC010156912024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2043/2024

WAHIDUL ISLAM
S/O SHABUDDIN
RESIDENT OF VILLAGE RAMPUR PAM, PS BATADRAVA, DIST NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:MUSST. SAMSUN NEHAR
W/O RAHMAT ALI

RESIDENT OF VILLAGE RAMPUR PAM
PS BATADRAVA
DIST NAGAON
ASSA

Advocate for the Petitioner : MR. RASHIDUL ISLAM, MS B B AHMED, MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM, MR. R PHUKAN (INFORMANT)

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

20.09.2024

Heard Shri Z. Hussain, learned counsel for the petitioner. Also heard Shri M. P. Goswami, learned Addl. PP, Assam.

The name of the learned counsel for the respondent no. 2 is reflected in the cause list but respondent no. 2 is not represented today.

The petitioner has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as the petitioner, Wahidul Islam is apprehending arrest in connection with Special POCSO Case No. 23/2024 U/s 448/376(2-i) IPC R/w Sec 4 of POCSO Act arising out of Batadrava PS Case No. 159/2023 registered under sections U/s 448/376(2-i) IPC R/w Section 4 of POCSO Act.

It is submitted on behalf of the petitioner that charge-sheet has been laid against the petitioner. He is willing to cooperate with the trial. It is submitted that vide order dated 28.05.2024 summons have been issued against the petitioner and on 02.07.2024, the petitioner's petition seeking time for appearance was allowed. It is submitted that no adverse order has been passed against the petitioner. It is also submitted on behalf of the petitioner that the victim has leveled false allegations against the petitioner. The petitioner is only 21 years old and his image will be tarnished if he forwarded to custody.

I have scrutinized the Trial Court Record as well as the Cause Diary. It appears that warrant has not been issued against the petitioner. As the petitioner is willing to cooperate with the trial, the petitioner is thereby directed to appear before the learned Trial Court and apply for bail which may be

considered by the Court as per merits of the case.

In terms of the above observations, petition stands disposed of.

JUDGE

Comparing Assistant